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EXECUTIVE COMMITTEE OF THE PROGRAMME OF THE UNITED NATIONS
HIGH COMMISSIONER FOR REFUGEES

Forty-ninth session

SUMMARY RECORD OF THE 531st MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 8 October 1998, at 10 a.m.

Chairman: Mr. PEREZ-HERNANDEZ Y TORRA (Spain)
(Vice-Chairman)

later: Mr. RODRIGUEZ CEDEÑO (Venezuela)
(Chairman)

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The meeting was called to order at 10.10 a.m.

ANNUAL THEME: INTERNATIONAL SOLIDARITY AND BURDEN-SHARING IN ALL ITS ASPECTS: NATIONAL, REGIONAL AND INTERNATIONAL RESPONSIBILITIES FOR REFUGEES (agenda item 4) (continued) (A/AC.96/904)

1. Ms. GEGA (Observer for Albania) drew the Committee's attention to the situation in Kosovo, where the Belgrade authorities continued to defy and disregard not only the decisions and resolutions of the major international organizations, but also their increasing pressure and threats of military intervention. On the pretext of fighting so-called Albanian "terrorists", the Serbian Government was implementing a policy of ethnic cleansing. It was clear to all that the Kosovo conflict, which was beginning to have disastrous consequences, demanded a political solution. The delegation of Albania thanked Mrs. Ogata for her personal involvement in resolving the humanitarian aspect of the crisis and supported her request for the Governments of European countries to keep their doors open to asylum-seekers from that region. Albania supported the proposal to convene a special international conference on the Kosovo refugee problem and thanked the Governments of all those countries that had decided to increase their assistance to the population of Kosovo.

2. Despite the severe difficulties they were facing, the Government and people of Albania had thus far received and given shelter to 20,000 refugees from Kosovo, something they would not have been able to do without the multilateral and bilateral cooperation arranged with various international humanitarian organizations, such as UNHCR, the International Committee of the Red Cross (ICRC), the World Food Programme (WFP), UNICEF and Médecins sans frontières, as well as with the Governments of many countries. The Government of Albania had adopted a series of emergency measures consisting basically in taking a census of the refugees and issuing them with identity cards, providing necessary food and health aid, and creating suitable conditions for the establishment of mass reception centres that were expected to deal with around 8,000 people by the end of the year. Thanks to UNHCR funding, it should be possible to meet the most urgent needs throughout the winter. Special medical care was being provided for women, children and older persons, who made up the majority of the refugees, and arrangements had been made for enrolling the children in school. Albania's recent experience in refugee reception and settlement and in solving the problems presented by mass inflows showed how important and essential international solidarity and cooperation were.

3. Mr. EL KHAZEN (Lebanon) said that the presence of a large number of refugees in his country was having an adverse effect on the reconstruction process and the restoration of civil peace, since, under the Lebanese Constitution, Palestinians were strictly forbidden to settle permanently in the country. For the majority of refugees of Palestinian extraction, then, a solution could come only from regional peace negotiations and the implementation of the resolutions adopted by the international community to the effect that Palestinian refugees should be resettled in Palestine and in the occupied territories.

4. The Government of Lebanon recognized that Palestinian refugees were the responsibility of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), but considered that UNHCR should help to provide assistance to the many other refugees in the country, and it called on the international community to share some of Lebanon's burden until the refugees could return home voluntarily.

5. He welcomed the increase in the level of UNHCR's representation in Lebanon and hoped that it would soon be possible to re-establish a regional bureau; he also repeated Lebanon's request for Executive Committee decisions and resolutions to be translated into Arabic.

6. Mr. SCHLEIFFER (World Food Programme - WFP) said that WFP, which had a dual mandate to provide both emergency and development assistance, made a significant contribution to the reduction in the burden faced by countries hosting refugees. In 1997, it had spent around $900 million to meet the needs of nearly 30 million disaster victims, including 4 million refugees and 15 million persons displaced or affected by other man-made disasters, and had made $327 million available for development projects reaching some 24 million people. In many countries, WFP was implementing development programmes and emergency operations in collaboration with Governments, United Nations organizations and non-governmental organizations (NGOs). It contributed to the integration of returnees and helped them to become productive members of their society once more. In addition to providing food, WFP rehabilitation programmes could be geared towards rebuilding vital infrastructures and agricultural production systems, as had happened in several countries of southern Africa.

7. In order to be effective, a food aid programme should benefit from the knowledge gained in disaster prevention. WFP had for several years therefore given high priority to vulnerability analysis and mapping. In its concern at the continuing erosion of respect for international humanitarian law and human rights conventions, WFP appealed for unimpeded, safe access by humanitarian aid organizations to the victims of armed conflicts.

8. Mr. SCHATZER (International Organization for Migration - IOM) said that UNHCR and IOM were increasingly being invited to help Governments and individuals find durable solutions to problems whose causes, being basically political and economic, lay outside their sphere of influence. Interdependence among States and the fact that a growing number of countries were at once sending, transit and receiving States had made it more important to adopt regional solutions to migration problems. UNHCR and IOM had been asked to help in a number of regions, such as the Commonwealth of Independent States (CIS), where the two organizations had defined an agreed strategy.

9. In more general terms, UNHCR and IOM should consolidate and develop their partnership on the basis of the Memorandum of Understanding signed the year before and the consultations held annually since then. They had begun developing a package of solutions to enable countries to manage the consequences of displacement in a holistic way. The annual consultations had also given the two organizations an opportunity to explore some areas of potential overlap. They were preparing the 1999 appeal and planning a joint head of mission meeting in 1999 on strategies until the year 2000 and beyond.

10. In order to maintain and even increase the effectiveness of humanitarian aid, two sources of concern needed to be eliminated. The first was the safety and well-being of field staff, which the international community was making efforts to safeguard through concrete measures. The second was the funding of activities in support of the prevention or resolution of the conflicts that gave rise to population displacements, an area that depended on the international community's generosity.

11. Mr. Rodriguez Cedeño (Venezuela), the Chairman, resumed the Chair.

12. Mr. LADEKARL (International Council of Voluntary Agencies), noting with concern that a number of countries were deporting asylum-seekers to so-called "safe" areas or countries where their protection was seldom guaranteed, called on the Executive Committee to speak out strongly against the violation of the right to asylum. States should reinforce the international refugee instruments, which already provided a framework for the sharing of international responsibilities, rather than adopting measures that restricted the right to asylum. NGOs called on the countries that had not yet done so to ratify the Convention relating to the Status of Refugees and its Protocol and to adopt legislation protecting refugees and asylum-seekers by safeguarding the full range of rights referred to in the relevant international instruments, including the freedom of movement, the right to education and other key economic and social rights.

13. NGOs, concerned at the situation in Kosovo, called on European countries to grant asylum to refugees from the area and not send them back to Kosovo or the surrounding region. They also called for greater international cooperation in Tanzania, Liberia and Guinea in order to ensure the protection of refugees in those countries. They urged Liberia's neighbours to continue to keep their doors open to Liberian refugees and ensure that any repatriation was voluntary and carried out in conditions of safety and dignity. In the Caucasus, although the emergency phase was largely over, it was still necessary to continue to provide humanitarian assistance through international organizations and NGOs. In addition, States and international organizations, including UNHCR, should stimulate the emerging NGO sector in the CIS countries. He welcomed the Thai Government's request to UNHCR to step up its operations on the Myanmar border, but he stressed that UNHCR's involvement should not be confined to facilitating the repatriation of the refugees. The Rohingya refugees in Bangladesh and Myanmar continued to give cause for concern.

14. UNHCR's efforts to enhance the effectiveness of national NGOs and to relaunch the Partnership in Action (PARinAc) had NGOs' full support. He encouraged NGOs to continue to participate in the UNHCR Standing Committee meetings.

15. Mr. de BOICE (United Nations Development Programme - UNDP) said that the international community had made substantial progress in its understanding of the need for comprehensive, integrated approaches to the post-conflict reintegration of refugees. In Central America and Cambodia, for example, UNDP-funded development schemes had proved effective in facilitating the reintegration of returnees, internally displaced persons and ex-combatants. In a number of other countries, Liberia and Rwanda, for example, humanitarian

and development organizations had concluded cooperation agreements on the reintegration of refugees. In Rwanda, the UNHCR-UNDP cooperation programme, which WFP had recently also joined, was currently going through a difficult period, although an evaluation by the two organizations due shortly should make it possible to resolve the problems.

16. Building on those experiences, UNDP planned, over the next year, to implement a number of activities to enhance its collaboration with UNHCR, including: a comprehensive thematic evaluation of its work on reintegrating refugees, internally displaced persons and ex-combatants; completing and developing the mechanisms for the joint planning and programming of reintegration assistance; reinforcing regional-level and national-level management and oversight arrangements; and implementing a major staff-training programme.

17. Progress had also been made in other areas, including the establishment of new mechanisms for financing post-conflict reintegration programmes. UNDP's Executive Board had approved the use of 5 per cent of the organization's core resources for special programmes relating to the transition from relief to development. A special fund had also been set up to serve as an extrabudgetary window for resources directed towards multisectoral programmes for post-conflict reintegration. UNDP was also looking at the modalities for speeding up the round-table process with a view to facilitating the coordination of humanitarian responses and bolstering resource mobilization for post-conflict reintegration programmes.

18. The concept of burden-sharing implied a holistic approach and strong partnerships. The progress that had been made in certain countries would quickly evaporate if nothing was done in the areas of peace, security and human rights. Burden-sharing did not mean simply dividing up the work, but, rather, joining forces and providing mutual support. It was in that spirit that UNDP would seek to strengthen its operational cooperation with UNHCR at the global level.

19. Ms. AHLUWALIA (International Federation of Red Cross and Red Crescent Societies) said that, in recent years, the scope and complexity of humanitarian problems had increased. Conflicts were now primarily internal and had an ethnic and religious dimension that hindered the application of international norms. The mixing of those who had committed crimes and their victims created serious problems for humanitarian organizations, which did not find it easy to remain neutral and impartial. Nevertheless, neutrality and impartiality were two concepts that were fundamental for the action of the Federation and its members.

20. For the past six years, the Federation had been working with UNHCR to support the largest refugee population in Europe, which currently amounted to 550,000 persons. The needs of that very vulnerable group had, however, been somewhat eclipsed as the international community's attention had been focused, understandably, on the emergency in Kosovo and the hardships of those displaced as a result of that conflict. The Federation called on the international community to continue to provide humanitarian assistance to both Albanians and Serbs in the Federal Republic of Yugoslavia.

21. The notion of international solidarity and burden-sharing should encompass a wide range of concerns, including refugee protection, humanitarian aid and the prevention and resolution of conflicts by economic and political means. Governments had an important part to play in that respect, as did national Red Cross societies, particularly with regard to the protection of the fundamental rights of refugees, internally displaced persons and returnees, and with regard to national reconciliation and confidence-building. She also welcomed UNHCR's efforts to promote collaboration among the competent United Nations bodies and the World Bank on bridging the gap between humanitarian aid and development assistance.

22. With regard to the right of asylum, the cornerstone of refugee protection, the Federation had communicated to the European Union its concerns about the long-term repercussions of the protocol to the Treaty of Amsterdam. It was also concerned at the tendency to disregard international humanitarian law and human rights instruments and at the attacks that were frequently aimed at humanitarian aid workers.

23. Mr. MARUME (Democratic Republic of the Congo) thanked UNHCR for its courageous action in dealing with the traumatic situation arising from the unprecedented mass influx of Rwandan refugees into the east of the country in 1994. The people of Kivu had particularly appreciated Mrs. Ogata's initiatives, although they should have been accompanied by reconstruction and rehabilitation measures in the province, which had been devastated by the presence of a large number of refugees.

24. Unfortunately, the Democratic Republic of the Congo had not been rewarded for its hospitality. Since 1996, the Rwandan army had destroyed several refugee camps in defiance of the rules of international law. The punitive actions carried out by the Rwandan army on Congolese territory were illegal and called for a strong reaction on the part of the international community, if necessary in the form of military intervention under a mandate of the United Nations Security Council. The firm approach currently being taken in the Kosovo crisis should also be taken to such armies "without borders" belonging to no State and apparently serving obscure interests. The international community must not allow a group of leaders, lacking any mandate, to provoke wars that sowed death and brought about massive population displacements. UNHCR reported 20,000 displaced persons for Kivu province alone.

25. The Democratic Republic of the Congo, aware of the complexity of refugees' problems, had always worked with UNHCR to promote the voluntary repatriation of Rwandan refugees. However, the Rwandan Government had never observed nor implemented the tripartite agreements it had signed with UNHCR and the Congolese Government. Each party therefore had to shoulder its own responsibilities. The international community should call on all the parties involved, including Rwanda, to stop interfering in other countries' affairs. The Congolese Government desired peace in order to begin reconstructing the country and was determined not to allow itself to be bullied.

26. The CHAIRMAN, summing up the debate on agenda item 4, said that all the speakers had welcomed the relevance of the theme of the current session, even though international solidarity and burden-sharing were not new concepts.

Everyone had tried to address four main questions: (a) Why was burden-sharing necessary? (b) What needs and responsibilities would burden-sharing meet? (c) Who should participate in burden-sharing? (d) To what extent should burden-sharing be systematized?

27. With regard to the first question, there had been consensus on the fact that the complexity and magnitude of current refugee problems were beyond the resources and response capacity of any single nation or organization. With regard to the second question, many delegations had noted that the international community must promote and implement the humanitarian principles of the right to asylum, non-refoulement, family unity, voluntary repatriation in conditions of safety and dignity, and reintegration. They had also noted that developing countries, which bore a disproportionate share of the burden of hosting refugees and reintegrating returnees, required multifaceted support from the international community. There had been virtually unanimous agreement that humanitarian assistance could not be a substitute for political solutions. By contributing to peace, security and human development, humanitarian and development organizations, with the support of member States, could prevent the crises that triggered the forced displacement of populations.

28. With regard to the third question, there had been consensus on the fact that the implementation of the principle of international solidarity and burden-sharing was the responsibility of the international community as a whole: member States, United Nations agencies, intergovernmental organizations, regional bodies, NGOs and civil society. Whatever their roles, the principle rested primarily on partnership, and inter-organization cooperation was therefore of fundamental importance.

29. Lastly, with regard to the fourth question, numerous speakers had welcomed the regional initiatives in various parts of the world and acknowledged the role of regional bodies in promoting regional or subregional mechanisms for coordinated burden-sharing. Mechanisms at the global level had been thought more difficult to set up. A number of delegations had requested UNHCR to coordinate its activities more closely with those of NGOs and its other partners.

30. The majority of speakers, noting that the implementation of the principle of international solidarity and burden-sharing was a complex process, had shared their concerns relating to the security of humanitarian personnel and civilian populations, the future of the asylum system in view of currently emerging restrictionist policies, illegal immigration, the need to separate genuine refugees from combatants, donor fatigue, the continuing problems caused by landmines, small arms proliferation and human trafficking and, lastly, the coordination of humanitarian action.

REPORTS ON THE WORK OF THE STANDING COMMITTEE (agenda item 5)

(a) INTERNATIONAL ACTION (A/AC.96/899, 903, 905 to 907 and 909)

31. Mr. McNAMARA (Director, Division of International Protection of UNHCR), recalling the systematic dialogue with Executive Committee member States begun in early 1998 with the aim of reinvigorating support for the international

refugee protection system, emphasized that the countries consulted thus far had overwhelmingly welcomed the initiative. Governments had been particularly emphatic in their support for the preservation and strengthening of the Convention relating to the Status of Refugees and its Protocol, as well as for the development of regional arrangements complementing the Convention and Protocol without "deinternationalizing" the issue. The States that were most exposed to refugee movements had felt that the contribution made by host countries was not properly valued, even within the Executive Committee. A number of Governments had expressed concern at the approach taken in the process of formulating the conclusions on protection. In line with the recommendations that had been made, there were plans to broaden the process to include other actors who gave concrete backing to the international protection system, such as NGOs, international financial institutions, the corporate sector, other United Nations agencies, the Red Cross and community organizations. As a result of the difficulties encountered in drafting the conclusions on protection at the preceding session, some thought had been given to ways of refocusing the debate and downplaying the polemics. It was to be hoped that the draft conclusions to be presented at the current session would improve refugee protection at the national level and strengthen UNHCR's ability to act.

32. The international refugee protection system was facing major challenges, the first being the tendency of some States to move gradually away from their legal obligations in the area. Refugee law rested on a number of non-negotiable safeguards that protected States as well as displaced persons. Recent calls for a relaxation, or even quite simply a renunciation, of States' obligations to deal with new influxes should be energetically resisted by the Committee, which should, at the same time, continue to focus on more long-standing concerns such as refugee security. Whether it was a question of persecuted groups in Kosovo, Sudanese refugees forced to leave the Democratic Republic of the Congo, refugees placed in detention or women and children subjected to serious human rights violations in refugee camps, the fact was that the problem had still not been resolved. Perhaps the establishment of an ad hoc group drawn from representatives of the concerned bodies and some States would make real progress possible in that area. The protection of internally displaced persons, whether in Kosovo, Georgia, Sierra Leone or Colombia, was also still a major concern. The gaps that remained in that area were a striking illustration of the limits of State responsibility and of humanitarian action. The question of excluding the perpetrators of genocide and other atrocities, which had been such an acute issue in the Great Lakes region, had also still not been resolved. Similarly, the location and demilitarization of camps, in western and central Africa, South-East Asia and elsewhere, depended on the establishment of a credible, operational security system on the ground. A dilemma had arisen with regard to efforts to establish minimum conditions for UNHCR involvement in repatriation to countries of origin, since a number of major refugee-producing countries did not meet those conditions.

33. Despite the problems, the history of the past 50 years had repeatedly shown the international refugee protection system based on repatriation or assimilation to be in many respects the most comprehensive and effective regime within the human rights protection system. It was therefore important to preserve it by strengthening its treaty basis. With that in mind, a global

promotional effort, to be undertaken over the following two years, was being proposed in order to encourage the States that had not yet done so to ratify the Convention relating to the Status of Refugees and the two Conventions on statelessness. Refugee protection, like human rights and humanitarian action, fell within the ethical agenda of the United Nations, which required the representatives of the United Nations system to exercise moral authority, States to take responsibility for solidarity and cooperation and non-governmental actors, including, if possible, the private sector, to support global action in order to resolve one of the main universal problems of the day.

34. Mr. HUHTANIEMI (Finland), assuring UNHCR of the strong support of the Finnish delegation in the area of protection, said that Finland considered the comprehensive approach the only possible way to address both the causes and consequences of the refugee crisis. The international community also had to be active in dealing with the crisis, especially since, as the High Commissioner had emphasized, humanitarian action could not be a substitute for political solutions. His delegation appreciated the fact that the links between refugee protection and human rights could finally be addressed. It had followed with keen interest the exchange of views on the human rights of women, children, indigenous peoples and minorities, which were the priority areas of Finland's human rights policy. Women and children constituted the silent majority of the refugee population and their special needs, both in asylum-seekers' camps and during integration, deserved greater attention from UNHCR. In that regard, his delegation welcomed the willingness shown by UNHCR to intensify its cooperation with human rights bodies.

35. The Standing Committee's discussions had once again focused on the crucial question of durable solutions. Voluntary repatriation appeared to be the best solution. Failing that, local integration was a solution that should be used whenever possible. Resettlement should be seen as a protection instrument to be applied as a last resort. For more than 10 years, Finland had received resettlement refugees, 10 to 15 per cent of whom were refugees with special needs, such as children and adolescents, persons with medical problems, survivors of violence or torture and older refugees, in addition to emergency cases. Family unification was an integral part of the programme and family members were received in addition to the resettlement quota. Despite the laudable initiatives taken by a number of African and Latin American countries, Finland considered the number of States receiving resettlement cases to be still too limited. In addition, it would be helpful if UNHCR showed greater transparency in drawing up the criteria for the submission of cases so that host countries would be in a better position to judge the need for resettlement. Resettlement opportunities should be needs-driven, not quota-driven. Lastly, he announced that Finland had decided to pledge Fmk 1 million to the trust fund for enhancing resettlement activities.

36. Ms. TAFT (United States of America) said that UNHCR on its own could not ensure the smooth operation of the protection system, which was the primary responsibility of States. In order to avert the threats to the system, Governments must reaffirm their support for UNHCR's mission and her delegation therefore urged those members of the Executive Committee which had not yet done so to ratify the Convention relating to the Status of Refugees and its 1967 Protocol. With regard to priority areas for the Government of the

United States of America in terms of refugee protection, the first point was the need to take further measures to ensure the civilian character of refugee camps. Experience had shown that it was essential to locate them at a reasonable distance from borders, to disarm armed elements, to separate military groups from civilian refugees and to deploy law enforcement units in order to safeguard security. Her delegation also emphasized that it was unacceptable for different standards to be applied to different refugee populations. The application of the same standards for all in terms of food, access to drinking water, shelter, health and education was one of the pillars of the refugee protection system. It was also essential to continue integrating the special protection needs of women and children into every UNHCR programme in order to combat more effectively the serious, widespread problem of sexual violence against those particularly vulnerable categories of refugees. The increase in acts of violence against humanitarian personnel around the world, as exemplified by the case of Vincent Cochetel, demonstrated an unacceptable erosion of respect for international humanitarian law. Lastly, her Government welcomed UNHCR's efforts to promote resettlement as an important instrument of refugee protection and encouraged UNHCR to work even more closely with the Office of the United Nations High Commissioner for Human Rights, with a view to taking stronger action to stop situations which caused refugee movements or prevented their repatriation.

37. Ms. LUND (Norway) said that integrating the promotion of human rights into the refugee protection system should open up new areas of cooperation such as early warning, training and information sharing. The delegation of Norway believed that the international protection of refugees must remain a priority and that the ratification of the Convention was therefore crucial, for example, to ensure the broader implementation of the refugee status determination criteria. In January 1998, the Norwegian Government had introduced more liberal guidelines, stating that victims of persecution on the grounds of gender or sexual orientation, as well as victims of persecution by non-State actors, would be considered as Convention refugees. It had also decided with regard to the burden of proof, that asylum-seekers should be given the benefit of the doubt more frequently in the assessment of claims for refugee status.

38. The Norwegian Government welcomed UNHCR's efforts to diversify resettlement opportunities, since it was preferable to resettle refugees in countries where the language and the culture were not very different from those of their home countries. Norway had decided to increase its annual resettlement quota by 50 per cent and was willing to consider seconding Norwegian personnel to UNHCR's resettlement activities. Her delegation nevertheless underlined the importance of States' obligation to readmit their own nationals, for, if it was not fulfilled, the institution of asylum, already under threat from the mingling of economic migrants with refugee flows, might be undermined in the long term. The protection of refugee children was of particular concern to the Norwegian Government, which was organizing an expert conference on the protection of children affected by conflict.

39. Ms. BEDLINGTON (Australia) said she believed that, as the Director of the Division of International Protection had just suggested, UNHCR should take the lead in urging those States that had not yet done so to sign the

1951 Convention and the 1967 Protocol, since that was the strongest international affirmation of a country's commitment to refugee protection and the granting of asylum.

40. The High Commissioner had expressed concern at the fact that some States had sought to reconcile protection and control in their domestic legislation. However, public opinion would continue to support the provision of protection or financial aid to refugees only if it was confident that the country was meeting its international obligations while managing migration, entry and stay and that could come only through open, informed debate where all points of view could be heard. Much attention had recently been focused on the detention of asylum-seekers in Australia, but it had to be understood that in fact in Australia very few asylum-seekers - only 189 of the 12,393 awaiting a decision at the end of June 1998 - were detained and detention was not arbitrary, but was imposed for breaking Australian immigration law by entering Australian territory without authorization. Furthermore, contrary to the allegations, such asylum-seekers were entitled to medical care and their right to access to a lawyer was guaranteed in law. Their detention was not unduly prolonged and UNHCR had unrestricted access to all detainees. The standards for detention in such cases were in full accordance with Australia's human rights obligations. The best interests of the children of detained asylum-seekers was taken into account, but the competent authorities believed that, in most cases, children's best interests were served by not taking them away from their parents even if they were in detention. Instead of making unfounded allegations, it would be better to focus on practices that really violated the provisions of conclusion 44 and give those wanting to discuss true breaches an opportunity to be heard. Australia looked forward with interest to the consultations with UNHCR on the draft revised guidelines on detention and was particularly interested in any ideas for alternatives to detention that would allow Australia to meet its migration management objectives. In that regard, States should begin collaborating to counter the exploitation of illegal migrants and asylum-seekers by traffickers.

41. Australia proposed that the theme of the next session should be "Strengthening partnerships to strengthen protection on the ground". Since the three previous themes had addressed largely conceptual issues, the time seemed to have come to focus on practice in the area of protection, in particular in view of the budget situation. The aim would be to find the best ways to meet protection challenges on the ground and to involve implementing partners, NGOs concerned with resettlement and various other multilateral humanitarian organizations.

42. Mr. LUNDING (Denmark) said he believed that international protection was such an important issue that it deserved a separate agenda item and not merely a sub-item and that the Note on International Protection should be debated by the Executive Committee in plenary and not by the Standing Committee.

43. The full and effective application of the 1951 Convention and the 1967 Protocol was of paramount importance in promoting international cooperation that would make it possible to respond to and solve refugee problems. States that had not yet done so, in particular those which were members of the Executive Committee, should accede to those instruments and implement their provisions. The Committee had adopted conclusions relating to

the application of the instruments, notably conclusions 8/1977 and 30/1983 on minimum standards and safeguards for refugee determination procedures. The application of those procedural rules was essential in order to carry out the burdensome task of distinguishing between persons in need of protection and those who did not need it or did not deserve it. In that regard, the return of persons not in need of international protection was essential if the integrity of the institution of asylum was to be preserved. The inability to return such persons worked as a "pull factor" for other would-be illegal migrants and led to a lack of confidence in and public support for the institution of asylum, thereby making it more difficult for States to provide international protection to persons who genuinely needed it. It was therefore essential that UNHCR should continue to cooperate in that regard with the States concerned and other relevant actors and that it should urge States to meet their obligation to readmit their own citizens and facilitate their return.

44. UNHCR's NGO partners had recently expressed concern that UNHCR's range of activities had broadened in recent years and that the Division of International Protection could be marginalized in the current reform process. Denmark believed, like the NGOs, that the Division should be given a leading role in making decisions on UNHCR's priorities, thereby safeguarding the consistency of protection practices at all levels.

45. Of the three basic durable solutions, voluntary repatriation remained the most desirable and resettlement should be explored only as a last resort, primarily when basic protection could not be provided in the country of first asylum. The annual theme was that of international solidarity and Denmark had advocated that more countries should offer resettlement opportunities; he had therefore been very pleased to learn that four countries - Burkina Faso, Benin, Argentina and Chile - had decided to offer resettlement on a regular basis or were considering it. Denmark encouraged other countries to follow their example.

46. Mr. JURKOVICH (Canada) said that Canada, recognizing the complementarity between refugee protection and respect for human rights, supported UNHCR in its efforts to integrate the two concepts, in collaboration with UNHCHR. Closer cooperation would make it possible to draw UNHCHR's attention to situations where it was justified in making a direct intervention and to call on its expertise. Canada supported the efforts of UNHCR and the international community to find durable solutions to refugee problems. In some circumstances, resettlement was the best solution; Canada was a world leader in that regard and was, moreover, in a position to offer resettlement opportunities to the victims of armed conflicts and human rights violations who found themselves grouped with refugees. Those categories included not only persons in a country of first asylum, but also internally displaced persons. Canada would also continue to offer programmes to refugees with special needs, such as women at risk. Canada encouraged all countries that were able to do so, to contribute to the resettlement effort and welcomed the fact that South Africa, Chile and Argentina were prepared to do so.

47. Canada encountered problems when sending asylum-seekers who had been denied refugee status back to certain countries and it would therefore support any measures, at the multilateral or bilateral levels, aimed at obtaining the

collaboration of all countries of origin in issuing travel documents to their nationals and facilitating their return, in accordance with their obligations. The large number of asylum-seekers arriving in Canada without identification was another cause for concern, for it raised the suspicion that many of them had been brought to Canada by professional traffickers and that could have an impact on the integrity of the refugee status determination system, as well as on public confidence and the security of host countries. States should therefore work together to prevent the improper use or the abuse of refugee determination procedures, although any control measures should continue to conform to the legal principles and standards on asylum and human rights contained in the relevant international instruments.

48. Canada took very seriously the question of family unity for refugees within the meaning of the Convention and was currently looking at a range of options to facilitate such unity; it encouraged other States to make every effort to remove the obstacles in the way of refugees' full integration into the host society.

49. Ms. NIELSEN (Switzerland) said that human rights violations were one of the root causes of refugee movements and that the Government of Switzerland welcomed the inclusion of that point in the 1998 conclusions on international protection. Given the persistence of massive human rights violations, it seemed important to emphasize that it was primarily the country of origin's responsibility to prevent population displacements. Her Government deplored the perilous situations in which large numbers of refugees found themselves after fleeing from their country of origin and she repeated that, while the countries of first asylum undoubtedly had a responsibility to ensure the protection of persons seeking refuge on their territory, UNHCR, too, had an explicit mandate to guarantee refugees' rights.

50. Population movements had become extremely complex and it was therefore increasingly difficult for the international community to find adequate responses. UNHCR's activities should focus on its principal mandate, namely, refugee protection. Despite the way the refugee situation had developed since the time when the 1951 Convention had been drafted, the Convention had proved a flexible and useful instrument; nevertheless, her delegation believed that it was necessary to undertake a thorough review of its scope if its effectiveness was not to diminish.

51. The Swiss Government supported the informal consultations organized by UNHCR at the Executive Committee's request. They provided an appropriate framework within which to address the new challenges arising in the refugee sphere, such as the concept of "temporary protection". Her delegation would welcome any efforts UNHCR could make to encourage the States that had not yet done so to accede to the 1951 Convention and the 1967 Protocol.

52. Mr. ROGERS (United Kingdom) welcomed the fact that UNHCR was continuing its consultations on protection and again made it clear that his Government supported the consultations because protection was so important in both short-term and long-term solutions. The United Kingdom also welcomed UNHCR's proposal to take action to encourage the countries that had not yet done so to accede to the 1951 Convention and the 1967 Protocol as well as the Conventions on statelessness and to promote the implementation of those instruments.

53. The United Kingdom also welcomed the Central Asia, South-West Asia and Middle East (CASWAME) regional consultation process begun under UNHCR auspices and hoped that it would help the reintegration process along, thereby reinforcing refugees' right to return home. It was clearly necessary to cooperate in that regard both with human rights organizations and with development agencies.

54. The United Kingdom shared the concerns expressed by the Director of the Division of International Protection about displaced persons and supported those delegations that believed it was necessary to promote protection in the field. The consultations on ways of improving the drafting and content of Executive Committee conclusions on protection should continue.

55. Mr. HAMMARBERG (Sweden) said he warmly welcomed the process begun by UNHCR to step up its dialogue with Governments and its proposal to continue to do the same in order to strengthen protection. It was important that UNHCR should make an effort to preserve the integrity of the legal approach and that it should continue to urge the States that had not yet done so to accede to the 1951 Convention and the 1967 Protocol, as well as other relevant instruments. States were not expected, however, merely to accede to those instruments. They should also incorporate international standards into their domestic legislation and praxis. UNHCR was an important consulting partner for Governments in that area. Sweden was prepared to continue cooperating with other States in order to support their efforts in that regard.

56. Sweden believed that refugee women and children should be given greater protection and that action to that end should be a fundamental activity for UNHCR.

57. Denmark's suggestion that the question of international protection should be considered by the Executive Council was an interesting one and deserved closer study.

58. Several delegations had emphasized the importance of States agreeing to readmit persons who other States had determined were not in need of protection. Sweden was aware of the difficulty some Governments might have in allocating the resources required for that purpose, but not to do so was likely to be a threat to the global asylum system, to the detriment of those who genuinely needed international protection, since some States might be tempted to tighten up their immigration policy. Lastly, Sweden encouraged UNHCR to continue to play an active part in stepping up regional cooperation among States in the area of migrations and refugee problems.

59. Mr. POTMAN (Netherlands) said the Netherlands believed that the consultation process begun by UNHCR on its protection mandate was extremely useful and important. It strongly supported the current system based on the existing treaties and on the principles of protection, particularly in view of the various threats facing the system. Action was required in all relevant areas in order to preserve and strengthen that system and the Netherlands would play its part in all appropriate forums, in particular those concerned with reconstruction, reintegration or development, in order to give UNHCR the wherewithal to continue to discharge its protection mandate.

60. The Netherlands supported the initiatives aimed at improving the process of drafting conclusions on protection and believed, like the Director of the Division of International Protection, that it might be a good idea to modify the procedures. The process should yield conclusions aimed at making the international community as a whole more aware of the demands of protection and to act as guidelines for UNHCR action in that regard. The Netherlands also strongly supported the campaign that UNHCR and its donors intended to carry out to encourage the countries that had not yet done so, in particular those that were members of the Executive Committee, to accede to the 1951 Convention and the 1967 Protocol and to the two conventions on statelessness.

The meeting rose at 1 p.m.